

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALOYSIUS T. HUGHES,)	
)	
Plaintiff,)	
)	CASE NO.: 3:10-cv-01859-WJN
v.)	
)	
CITICARDS and)	
PHILLIPS & COHEN ASSOCIATES, LTD.,)	
)	
Defendants.)	

DEFENDANT PHILLIPS & COHEN ASSOCIATES, LTD.'S
MOTION FOR SUMMARY JUDGMENT

NOW COMES the defendant, Phillips & Cohen Associates, Ltd. ("PCA"), through counsel and pursuant to FED. R. CIV. P. 56 and Local Rule 56.1, and on a date and time to be set by the Court, moves for entry of judgment as a matter of law in its favor and against Plaintiff Aloysius T. Hughes. In support thereof, PCA states as follows:

1. In his Amended Complaint, plaintiff has brought claims for "Intentional Misrepresentation," "Harassment," and "Punitive Damages." Although brought as three separate claims, the gravamen of each is the allegation that PCA improperly and inaccurately reported onto Plaintiff's credit report a Citicards debt owed by his mother.

2. Plaintiff's claims fail as a matter of law. PCA did not credit report the Citicards account, or any other account, on plaintiff's credit report. Simply put, PCA does not report consumer accounts to any credit reporting agency. Without the predicate act of having credit reported the account, plaintiff's claims against PCA fail.

3. Because there are no genuine issues of material fact, the Court should grant PCA's Motion for Summary Judgment and enter judgment as a matter of law in favor of PCA.

Respectfully submitted,

Dated: December 15, 2011

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CERTIFICATE OF SERVICE

I certify that on this 15th day of December, 2011, a copy of the foregoing **Motion for Summary Judgment of Defendant Phillips and Cohen Associates, LTD** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including Plaintiff's counsel as described below. Parties may access this filing through the Court's system.

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